



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Tim Scott, Plant Manager
Sun Cosmetics, LLC
4901 Evans Avenue
Valparaiso, Indiana 46383

Re: Finding of Violation
Sun Cosmetics, LLC
Valparaiso, Indiana

Dear Mr. Scott:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Sun Cosmetics, LLC ("Sun" or "you") under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We find that you are violating certain provisions of the Chemical Accident Prevention Provisions (CAPP), codified at 40 C.F.R. Part 68, as well as Section 112(r)(7)(E) of the Clean Air Act, 42 U.S.C. § 7412(r)(7)(E), at your Valparaiso, Indiana facility.

Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7412(a)(3), gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to participate in the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contacts in this matter are Patrick Miller and Veronica Fischer. You may call Mr. Miller at (312) 886-4044 or Ms. Fischer at (312) 353-5685 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

Sarah Marshall
Chief, Air Enforcement and Compliance Assurance Section MI/WI

Enclosure

cc: Phil Perry, Air Compliance Branch Chief, IDEM

1. Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1), provides that it shall be the objective of the regulations and programs authorized under this subsection to prevent the accidental release and to minimize the consequences of any such release of any substance listed pursuant to Section 112(r)(3), or any other extremely hazardous substance.
2. Section 112(r)(3) of the Act, 42 U.S.C. § 7412(r)(3), provides that the Administrator shall promulgate, not later than 24 months after November 15, 1990, an initial list of 100 substances which, in the case of an accidental release, are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment.
3. Section 112(r)(7)(A) of the Act, 42 U.S.C. § 7412(r)(7)(A), provides that in order to prevent accidental releases of regulated substances, the Administrator is authorized to promulgate release prevention, detection, and correction requirements which may include monitoring, record-keeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements.
4. Section 112(r)(7)(B)(i) of the Act, 42 U.S.C. § 7412(r)(7)(B)(i), provides that within 3 years after November 15, 1990, the Administrator shall promulgate

reasonable regulations and appropriate guidance to provide, to the greatest extent practicable, for the prevention and detection of accidental releases of regulated substances and for response to such releases by the owners or operators of the sources of such releases.

5. Section 112(r)(7)(B)(ii) of the Act, 42 U.S.C. § 7412(r)(7)(B)(ii), provides that the regulations under this subparagraph shall require the owner or operator of stationary sources at which a regulated substance is present in more than a threshold quantity to prepare and implement a Risk Management Plan (RMP) to detect and prevent or minimize accidental releases of such substances from the stationary source, and to provide a prompt emergency response to any such releases in order to protect human health and the environment.
6. Pursuant to Section 112(r) of the Act, 42 U.S.C. § 7412(r), the Administrator initially promulgated a list of regulated substances, with threshold quantities for applicability, at 59 Fed. Reg. 4478 (January 31, 1994), which is codified, as amended, at 40 C.F.R. § 68.130.
7. Pursuant to Section 112(r) of the Act, 42 U.S.C. § 7412(r), the Administrator promulgated “Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7),” 61 Fed. Reg. 31668 (June 20, 1996), which is codified, as amended, at 40 C.F.R. Part 68: Chemical Accident Prevention Provisions. *See* 84 Fed. Reg. 69,834 (Dec. 19, 2019).
8. Section 112(r)(7)(E) of the Act, 42 U.S.C. § 7412(r)(7)(E), provides that after the effective date of any regulation or requirement promulgated pursuant to Section 112(r) of the Act, it shall be unlawful for any person to operate any stationary source in violation of such regulation or requirement.

B. Chemical Accident Prevention Provisions

a. Applicability

9. Section 68.10(a) of CAPP provides, in part, that the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 C.F.R. § 68.115, shall comply with the requirements of CAPP no later than the date on which a regulated substance is first present above a threshold quantity in a process.
10. Section 68.3 of CAPP provides that “regulated substance” means any substance listed pursuant to Section 112(r)(3) of the Act at 40 C.F.R. § 68.130.
11. Table 1 at Section 68.130(a) of CAPP lists ammonia (anhydrous) as a regulated toxic substance with a threshold quantity of 10,000 pounds.
12. Section 68.3 of CAPP provides that “process” means “any activity involving a regulated substance including any use, storage, manufacturing, handling, or on-

site movement of such substances, or combination of these activities.” For purposes of this definition, a single process includes “any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release . . .” A “covered process” means “a process that has a regulated substance present in more than a threshold quantity as determined under 40 C.F.R. § 68.115.”

13. Section 68.10(i) of CAPP provides, in part, that a covered process is subject to Program 3 requirements if the process does not meet the requirements of 40 C.F.R. § 68.10(g) and if either of the following conditions is met: the process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325199, 325211, 325311, or 32532; or the process is subject to the U.S. Occupational Safety and Health Administration (OSHA) process safety management standard, 29 C.F.R. § 1910.119.
14. Sections 68.12(a) and (d) of CAPP identify CAPP requirements that the owner or operator of a stationary source with a process subject to Program 3 shall meet, which include, among other provisions, requirements regarding management systems, hazard assessments, prevention requirements, response actions, emergency response programs, and the submittal of a single RMP.

b. Management

15. Sections 68.15(a) and (c) of CAPP provide, in part, that the owner or operator of a stationary source with processes subject to Program 3 requirements shall develop a management system to oversee the implementation of the risk management program elements, and, when the responsibility for implementing the individual requirements is assigned to persons other than a qualified person or position as provided in Section 68.15(b) of CAPP, that the owner or operator shall document the names or positions of those people responsible for implementing the individual requirements and define the lines of authority through an organizational chart or similar document.

c. Offsite Consequence Analysis Parameters

16. Section 68.22(e) of CAPP provides, in part, that the owner or operator of a stationary source shall use either urban or rural topography, as appropriate. Urban means that there are many obstacles in the immediate area; obstacles include buildings or trees. Rural means there are no buildings in the immediate area and the terrain is generally flat and unobstructed.

d. Process Safety Information

17. Section 68.65(c) of CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall complete a compilation of written process safety information before conducting any process hazard analysis that includes information pertaining to the technology of the process.

18. Section 68.65(d) of CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall complete a compilation of written process safety information before conducting any process hazard analysis that includes information pertaining to the equipment in the process.

e. Process Hazard Analysis

19. Section 68.67(a) of CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall perform a process hazard analysis appropriate to the complexity of the process and shall identify, evaluate, and control the hazards involved in the process.
20. Section 68.67(c)(1) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall perform a process hazard analysis which addresses the hazards of the process.
21. Section 68.67(c)(2) of CAPP provides that the owner or operator of a stationary source shall with a process subject to Program 3 perform a process hazard analysis which addresses the identification of any previous incident which had a likely potential for catastrophic consequences.
22. Section 68.67(c)(4) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall perform a process hazard analysis which addresses consequences of failure of engineering and administrative controls.
23. Section 68.67(e) of CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall promptly address the team's findings and recommendations, assure that the recommendations are resolved in a timely manner and that the resolution is documented, and complete actions as soon as possible.

f. Operating Procedures

24. Section 68.69(a) of CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with process safety information.
25. Section 68.69(a)(1) of CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall develop and implement written operating procedures and shall address the steps for each operating phase.

26. Section 68.69(a)(2) of CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall develop and implement written operating procedures and shall address operating limits.
27. Section 68.69(a)(3) of CAPP provides, in part, that the owner or operator of a stationary source with a process subject to Program 3 shall develop and implement written operating procedures and shall address safety and health considerations.

g. Training

28. Section 68.71(b) of CAPP provides, in part, that refresher training shall be provided at least every three years, and more often if necessary, to each employee involved in operating a process to assure that the employee understands and adheres to the current operating procedures of the process.
29. Section 68.71(c) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall ascertain that each employee involved in operating a process has received and understood the training required by 40 C.F.R. § 68.71, and shall prepare a record which contains the identity of the employee, the date of training, and the means used to verify that the employee understood the training.

h. Mechanical Integrity

30. Section 68.73(b) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall establish and implement written procedures to maintain the ongoing integrity of process equipment, as identified at 40 C.F.R. § 68.73(a).
31. Section 68.73(d)(3) of CAPP provides that the frequency of inspections and tests of process equipment shall be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience.
32. Section 68.73(e) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall correct deficiencies in equipment that are outside acceptable limits, defined by the process safety information in 40 C.F.R. § 68.65, before further use or in a safe and timely manner when necessary means are taken to assure safe operation.

i. Management of Change

33. Sections 68.75(a) and (b) of CAPP provide that the owner or operator of stationary source with a process subject to Program 3 shall establish and implement written procedures to manage changes (except for "replacements in kind") to process chemicals, technology, equipment, and procedures; and, changes to stationary sources that affect a covered process. The procedures shall

assure that, among other things, modifications to operating procedures and the impact of the change on safety and health are addressed prior to any change.

- 34. Section 68.75(d) of CAPP provides that if a change covered by 40 C.F.R. § 68.75 results in a change in the process safety information required by 40 C.F.R. § 68.65, such information shall be updated accordingly.

j. Compliance Audits

- 35. Section 68.79(a) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall certify that they have evaluated compliance with the provisions of the Program 3 Prevention Program at least every three years to verify that procedures and practices developed under CAPP are adequate and are being followed.
- 36. Section 68.79(e) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall retain the two (2) most recent compliance audit reports.

k. Incident Investigation

- 37. Section 68.81(a) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall investigate each incident which resulted in, or could reasonably have resulted in, a catastrophic release.
- 38. Section 68.81(e) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall establish a system to promptly address and resolve the incident report findings and recommendations. Resolutions and corrective actions shall be documented.
- 39. Section 68.81(f) of CAPP provides that the incident investigation report shall be reviewed with all affected personnel whose job tasks are relevant to the incident findings including contract employees where applicable.

l. Employee Participation

- 40. Section 68.83(c) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall provide employees and their representatives access to process hazard analyses and to all other information required to be developed under CAPP.

m. Contractors

- 41. Section 68.87(b)(5) of CAPP provides that the owner or operator of a stationary source with a process subject to Program 3 shall periodically evaluate the performance of the contract owner or operator in fulfilling their obligations as specified in 40 C.F.R. § 68.87(c).

II. Statement of Facts

a. Applicability

42. Sun owns and operates an ammonia system at its synthetic iron pigments manufacturing facility located at 4901 Evans Avenue Valparaiso, Indiana (Facility).
43. Sun, through its parent companies Sun Chemical Corporation and DIC Corporation, purchased the Facility and the business of the Facility from Cathay Industries in July 2018.
44. Sun's currently filed RMP states that its ammonia system contains 150,000 pounds of anhydrous ammonia.
45. The Facility's ammonia process contains greater than the threshold quantity of 10,000 pounds of anhydrous ammonia, listed at 40 C.F.R. § 68.130, and therefore is subject to the requirements of the Chemical Accident Prevention Provisions.
46. The Facility's ammonia process is subject to the U.S. Occupational Safety and Health Administration (OSHA) process safety management standard, 29 C.F.R. § 1910.119, because it contains greater than the threshold quantity of anhydrous ammonia, listed at 29 C.F.R. § 1910.119 Appendix A as 10,000 pounds of anhydrous ammonia.
47. The Facility is subject to requirements of Chemical Accident Prevention Provisions in accordance with 40 C.F.R. § 68.10(a) and the requirements of Program 3 in accordance with 40 C.F.R. § 68.10(i).

b. Inspection

48. On January 14-15, 2020, EPA conducted an announced inspection of the Facility.
49. Sun provided numerous documents prior to and during the January 14-15, 2020 inspection. These documents were related to various aspects of its RMP including: management system, offsite consequence analysis, process safety information, process hazard analysis, operating procedures, training, mechanical integrity, management of change, compliance audits, incident investigations, employee participation, hot work, contractors, and emergency response. The information gathered from the inspection and documents includes, but is not limited to, the facts set forth below.
50. Sun operates a process that uses ammonia as a reactant in various exothermic batch reactions that precipitate different iron pigments. Anhydrous ammonia is pumped from a 30,000-gallon bulk ammonia storage tank to the reactors where it is consumed in the precipitation reaction and the resulting waste product is an ammonium salt. The process contains five (5) vessels that are used as batch reactors. There are also pumps and heat exchangers associated with the reactors.

The reactors have piping to clear liquor storage tanks, hydrochloric acid storage tank and other tanks containing chemicals other than ammonia. Ammonia is also used to neutralize wastewater that is generated at the facility in a neutralizer tank.

c. Management

51. During the January 14-15, 2020, inspection, Sun provided EPA inspectors with a general management organization chart for the Facility. The chart provided to EPA inspectors was not specific to the management of the risk management program elements.

d. Offsite Consequence Analysis

52. During the January 14-15, 2020, inspection, EPA inspectors reviewed the release scenarios developed by Sun to meet the requirements of 40 C.F.R. § 68.22 – 68.39. The release scenarios reviewed by EPA utilized a surface roughness based on rural topography.

e. Process Safety Information

53. During the January 14-15, 2020, inspection, Sun provided EPA inspectors with piping and instrument diagrams (P&IDs), and block flow diagrams. Pieces of equipment were not accurately shown on the P&IDs, and streams on the P&IDs were not updated to show which P&ID had the drawings of downstream equipment. Additionally, the block flow diagrams did not accurately reflect the current process by showing the addition of a chemical that is not currently used in the reaction or process.
54. During the January 14-15, 2020, inspection, Sun provided EPA inspectors with the design basis for relief valves on the bulk ammonia storage tank. The documentation did not include the design basis for the relief valves located throughout the piping or the relief valves on the reactors.

f. Process Hazard Analysis

55. A process hazard analysis was conducted by Cathay Industries, the previous owner of the facility, in June of 2018. There are recommendations in the process hazard analysis that have no documented resolution.
56. At the time of the January 14-15, 2020, inspection, Sun did not have a system implemented to address findings from process hazard analyses or to track the resolution of recommendations made during process hazard analyses.
57. The process hazard analysis conducted in June of 2018 identifies the ammonia sensors located around the bulk ammonia storage tank and inside of the production area as safeguards to potential ammonia releases.

- 58. During the January 14-15, 2020, inspection, the ammonia sensor readings displayed in the control room were not the same as the locally displayed readings on the ammonia sensors. Sun stated that the ammonia detection system needs to be reset after power outages and that there was a power outage several days before the inspection.
- 59. The process hazard analysis conducted in June of 2018 did not include a power outage scenario leading to incorrect ammonia sensor readings.

g. Operating Procedures

- 60. Sun provided a document titled “Anhydrous Ammonia Narrative” that contained ammonia unloading procedures, a process description, daily operating procedures, anhydrous ammonia reactor shutdown procedures, and anhydrous ammonia emergency shutdown procedures.

h. Training

- 61. During the January 14-15, 2020, inspection, Sun stated that training is performed at the beginning of employment and that no refresher training is provided. General health and safety training is provided annually.

i. Mechanical Integrity

- 62. Sun provided documentation of a maintenance procedure that is used at the facility. The maintenance procedure does not include the frequency or method of inspections and testing of equipment.
- 63. Sun provided a summary of the mechanical integrity testing that was performed in 2012, which documented that the bulk ammonia storage tank is to be inspected on a schedule consistent with HS (G) 30 Storage of Anhydrous Ammonia Under Pressure in the United Kingdom.
- 64. Sun did not provide any documentation of an inspection schedule or design codes for the reactors and the neutralizer tank.
- 65. Sun documented that internal inspections of the bulk ammonia storage tank were conducted in August of 2012 and June of 2019. Sun did not provide documentation of inspections and testing performed on the reactors and the neutralizer tank.

j. Management of Change

66. In August of 2019, Sun completed a management of change (MOC) checklist to send more water through the sparges on the reactors during the washouts to prevent plugging. In the checklist, Sun stated that they did not know if the change would result in increased exposure to hazardous material or would require additional safety or operational practices. There is no documented follow-up process hazard analysis or hazard evaluation addressing the change.

k. Compliance Audit

67. Sun performed a compliance audit of the Facility's risk management program in December of 2018.

l. Incident Investigation

68. Sun documented two incidents that resulted in an ammonia release. One incident occurred on July 17, 2018. The other incident occurred on May 29, 2019. Both incidents resulted in ammonia releases that were estimated to be below the reporting threshold.

m. Employee Participation

69. During the January 14-15, 2020, inspection, Sun Cosmetics stated that Sun Chemicals provided the Facility with its corporate Employee Participation Policy.

n. Contractors

70. During the January 14-15, 2020, inspection, EPA inspectors noted that when contractors are selected by the Facility for work on the ammonia system, it is expected that the contractors have experience working with ammonia systems, however this is not always confirmed by the Facility. Sun mentioned that general contractors are not typically used.

III. Violations

a. Management

71. Sun failed to develop and implement a management system of risk management program elements in violation of 40 C.F.R. § 68.15(a).
72. Sun failed to document the names or positions of people responsible for implementing individual requirements of the risk management program and define the lines of authority through an organizational chart or similar document in violation of 40 C.F.R. § 68.15(c).

b. Offsite Consequence Analysis Parameters

73. Sun failed to use the appropriate surface roughness values for the release analysis based on an urban topography in violation of 40 C.F.R. § 68.22(e).

c. Process Safety Information

74. Sun failed to ensure that block flow diagrams were up to date and accurate in violation of 40 C.F.R. § 68.65(c)(1)(i).
75. Sun failed to ensure that piping and instrument diagrams (P&IDs) were up to date and accurate in violation of 40 C.F.R. § 68.65(d)(1)(ii).
76. Sun failed to document the relief system design basis for relief valves in the piping system and on the reactors in violation of 40 C.F.R. § 68.65(d)(1)(iv).
77. Sun failed to document the ventilation system design for the production area and the control room in violation of 40 C.F.R. § 68.65(d)(1)(v).
78. Sun failed to document the design information for the reactors, heat exchangers, clear liquor storage tanks, and the neutralizer tank, and associated equipment in violation of 40 C.F.R. §§ 68.65(d)(1)(vi) and 68.65(d)(2).
79. Sun failed to document that the ammonia sensors meet recognized and generally accepted good engineering practices in violation of 40 C.F.R. § 68.65(d)(2).

d. Process Hazard Analysis

80. Sun failed to evaluate flow and pressure deviations involving the neutralizer tank and associated equipment in violation of 40 C.F.R. §§ 68.67(a) and 68.67(c)(1).
81. Sun failed to evaluate loss of power leading to incorrect ammonia sensor reading at the control room as a Hazard & Operability Study (HAZOP) scenario in the 2018 process hazard analysis in violation of 40 C.F.R. §§ 68.67(a), 68.67(c)(1), 68.67(c)(2) and 68.67(c)(4).
82. Sun failed to complete HAZOP action items and failed to establish a system to promptly address the team's process hazard analysis findings and recommendations, assure that the recommendations are resolved in a timely manner and that the resolution is documented, document what actions are to be taken, complete actions as soon as possible, develop a written schedule of when actions are to be completed, and communicate the actions to employees whose work assignments are in the process and who may be affected by the recommendations or actions in violation of 40 C.F.R. §§ 68.67(a) and 68.67(e).

e. Operating Procedures

- 83. Sun failed to include common scenarios in which an emergency shutdown is required in the Anhydrous Ammonia Emergency Shutdown procedures, and failed to direct operators to the Anhydrous Ammonia Emergency Shutdown procedures in the event of a worsening ammonia leak in the Daily Operating Procedure – Seed Ammonia, in violation of 40 C.F.R. § 68.69(a)(1)(iv).
- 84. Sun failed to include consequences of exceeding the target pH or temperature and instructions for how to correct an exceedance of the target pH or temperature in operating procedures in violation of 40 C.F.R. § 68.69(a)(2)(i) and 68.69(a)(2)(ii).
- 85. Sun failed to include the need to reset the ammonia detection system following a power outage in operating procedures in violation of 40 C.F.R. § 68.69(a)(3)(ii).

f. Training

- 86. Sun failed to provide refresher training at least every three (3) years to employees involved in operating the process in violation of 40 C.F.R. § 68.71(b).
- 87. Sun failed to prepare a record of training containing the identity of the employee, the date of training, and the means used to verify that the employee understood the training in violation of 40 C.F.R. § 68.71(c).

g. Mechanical Integrity

- 88. Sun failed to establish and implement written procedures to maintain the ongoing integrity of process equipment in violation of 40 C.F.R. § 68.73(b).
- 89. Sun failed to complete an internal inspection of the ammonia tank within six (6) years of the previous internal inspection, as required by HS (G) 30 Storage of Anhydrous Ammonia Under Pressure in the United Kingdom, the good engineering practice used by Sun for the inspection of the ammonia tank, in violation of 40 C.F.R. § 68.73(d)(3).
- 90. Sun failed to establish the frequency of inspections and tests of process equipment, including reactors, pumps, heat exchangers, neutralizer tank, and other tanks and vessels that are part of the process consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience in violation of 40 C.F.R. § 68.73(d)(3).
- 91. Sun failed to correct deficiencies in the ammonia detection system to ensure that the correct ammonia measurement is sent to the control room in violation of 40 C.F.R. § 68.73(e).

h. Management of Change

- 92. Sun failed to establish and implement written procedures to manage changes to process chemicals, technology, equipment, and procedures in violation of 40 C.F.R. § 68.75(a).
- 93. Sun failed to ensure that the modifications to operating procedures and the impact of the change on safety and health, are addressed prior to any change to process chemicals, technology, equipment, procedures, and changes to the stationary source that affects the covered process in violation of 40 C.F.R. §§ 68.75(b)(2) and 68.75(b)(3).
- 94. Sun failed to ensure that block flow diagrams and P&IDs were up to date and accurate in violation of 40 C.F.R. § 68.75(d).

i. Compliance Audits

- 95. Sun failed to certify that compliance with the provisions of the Program 3 Prevention Program was evaluated at least every three (3) years in violation of 40 C.F.R. § 68.79(a).
- 96. Sun failed to retain the two (2) most recent audit reports in violation of 40 C.F.R. § 68.79(e).

j. Incident Investigation

- 97. Sun failed to establish a system to promptly address and resolve the incident report findings and recommendations. Additionally, Sun failed to document resolutions and corrective actions in incident investigation reports in violation of 40 C.F.R. § 68.81(e).
- 98. Sun failed to review the incident investigation report with all affected personnel whose job tasks are relevant to the incident findings in violation of 40 C.F.R. § 68.81(f).

k. Employee Participation

- 99. Sun failed to provide to employees and their representatives access to process hazard analyses and to all other information required to be developed under the chemical accident prevention rule in violation of 40 C.F.R. § 68.83(c).

l. Contractors

- 100. Sun failed to periodically evaluate the performance of the contract owner or operator in fulfilling their obligations in violation of 40 C.F.R. § 68.87(b)(5).

m. Violations of the Clean Air Act

101. Pursuant to Section 112(r)(7)(E) of the Act, the above-described violations of the regulations and requirements of 40 C.F.R. Part 68, are violations of the Act.

Date

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

CERTIFICATE OF ELECTRONIC MAILING

I certify that I sent a Finding of Violation, No. EPA-5-21-IN-02, by electronic mail, Delivery Receipt Requested, to:

Tim Scott, Plant Manager
Sun Cosmetics, LLC
4901 Evans Avenue
Valparaiso, Indiana 46383
timothy.scott@sunchemical.com

Richard Trapp, EHS Manager
Sun Cosmetics, LLC
4901 Evans Avenue
Valparaiso, Indiana 46383
Richard.trapp@sunchemical.com

I also certify that I sent copies of the Finding of Violation by electronic mail to:

Phil Perry, Air Compliance Branch Chief
Office of Air Quality
Indiana Department of Environmental Management
PPERRY@idem.IN.gov

On the _____ day of _____ 2021

Patrick Miller
Environmental Engineer
AECAB, MN/OH